

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION,

No. C 06-6003 CW

Plaintiff,

ORDER DENYING  
DEFENDANT'S MOTION  
FOR A CONTINUANCE  
OF TRIAL DATE

v.

THE CHILDREN'S INTERNET, INC., et al.

Defendants.

/

Defendant Cort Poyner moves for a continuance of the trial of this action, which is scheduled to begin on March 31, 2008. Poyner asserts that his poor health prevents him from giving testimony at trial without endangering his well being.

While Poyner's medical condition is indisputably serious, this does not provide a basis for the indefinite postponement of trial he seeks. Nor does Poyner propose testifying through a means other than personal appearance, or demonstrate that this is not medically acceptable. He did not proffer any exculpatory testimony to be preserved at his deposition and does not make an offer of proof in his motion. Moreover, Poyner's health has been poor for an extended period of time. There is no justification for his filing the present motion on the eve of trial.

For these reasons, Poyner's motion is DENIED. Trial will begin on March 31 as planned.

3 IT IS SO ORDERED.

5 || Dated: 3/28/08

Claudia Wilken

---

**CLAUDIA WILKEN**  
United States District Judge

# **United States District Court**

For the Northern District of California